

Exhibit "P"

1 IN UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF HAWAII

3 -----
4 'ILIO'ULAOKALANI COALITION, a
5 Hawaii nonprofit corporation; NA 'IMI
6 PONO, a Hawaii unincorporated
7 association; and KIPUKA, a Hawaii
8 unincorporated association,

9 Plaintiffs,

10 vs. Civil No. 04-00502 DAE BMK

11 DONALD H. RUMSFELD, Secretary of Defense;
12 and LES BROWNLEE, Acting Secretary of the
13 United States Department of the Army,
14 Defendants.

15 -----
16
17 DEPOSITION OF ANGELA EHIA-QUITEVIS

18
19 Taken on behalf of the Defendant at U.S. Attorney's
20 Office, PJKK Federal Building, 300 Ala Moana Blvd., Room
21 6-100, Honolulu, Hawaii 96813, commencing at 10:39 a.m.,
22 Wednesday, December 6, 2006, pursuant to Notice.

23
24 BEFORE: BARBARA ACOBA, CSR No. 412, RPR
25 Notary Public, State of Hawaii

EXHIBIT "P"

1 not taken a deposition before, I've asked her to ask for
2 documents if, you know, if she feels --

3 MR. YEE: She's perfectly welcome to ask for
4 that if she hasn't seen it before. If it helps to
5 refresh her recollection, I'm happy to provide it.

6 MR. HENKIN: Thank you.

7 THE WITNESS: Yes, I have.

8 BY MR. YEE:

9 Q. And when was the last time you reviewed that
10 complaint?

11 A. That's a very good question. The first time or
12 the last time?

13 Q. The most recent time you reviewed this
14 complaint.

15 A. Sometime in October 2006.

16 Q. Was that before the OHA meeting on October the
17 5th?

18 A. No.

19 Q. Was it after the OHA meeting on October 5th?

20 A. A long -- awhile after. It may not have been
21 in October. It may have been in November. October,
22 November, around there.

23 Q. And you understand that simply because
24 Mr. Henkin's offered you as an expert, it doesn't mean
25 that you're qualified as an expert to testify in Federal

1 Court; do you understand that?

2 MR. HENKIN: Objection. Calls for a legal
3 conclusion.

4 BY MR. YEE:

5 Q. You can answer the question if you understand
6 the question.

7 A. I'm not sure what you mean.

8 Q. The Federal rules of evidence have certain
9 requirements before you can be qualified as an expert
10 because experts offer opinion testimony, not factual
11 testimony. Lay witnesses offer factual testimony. And
12 opinion testimony is based on educational guesses
13 sometimes. It's based on information gathered not by
14 yourself, but by others, which you render an opinion on.
15 And there are certain requirements in addition to that
16 that allow you to be qualified as an expert, and we're
17 going to be exploring that today.

18 MR. HENKIN: If I may clarify for the record,
19 Mr. Yee, we're offering Mrs. Quitevis both as a fact and
20 as an expert witness. Certain aspects of her testimony
21 are based on eyewitness and certain aspects of her
22 testimony are based on expert, just to clarify.

23 MR. YEE: Actually, that doesn't clarify much,
24 because I have a very difficult time distinguishing what
25 are expert opinions in her declaration and what are not,

1 and so I'm gonna ask you on the record, Mr. Henkin, are
2 you gonna identify those portions of Mrs. Quitevis'
3 declaration as an expert opinion versus lay opinion?

4 MR. HENKIN: I don't know what opportunity,
5 given the expedited nature of these proceedings, we're
6 gonna have to do that, but certainly you have an
7 opportunity to ask her under oath whether with respect
8 to various things she has personal knowledge or whether
9 it's based on information that she got from others.

10 MR. YEE: And you don't have any plans at this
11 point in time to amend her declaration, do you, as a
12 result of the last couple days of depositions? I think
13 it's become abundantly clear that certain information
14 contained in the declarations doesn't apply to the
15 proceedings that are scheduled for December 18th.

16 MR. HENKIN: I think that this is a
17 conversation that's most appropriate to have between
18 attorneys off the record. I'm not really sure why --
19 I'm not being deposed.

20 MR. YEE: You're not being deposed. All I'm
21 asking is if you plan to change her declaration, I won't
22 go through those sections of her declaration that will
23 be changed.

24 MR. HENKIN: We haven't made a decision as to
25 what we're going to do as far as any future testimony by

1 have about this process.

2 Q. Let me ask the question differently: What's
3 the field of expertise you feel qualified to testify as
4 an expert in?

5 MR. HENKIN: Objection. Asked and answered.
6 And to the extent it calls for a legal conclusion.

7 BY MR. YEE:

8 Q. Can you answer my question?

9 A. Can you repeat it, please.

10 Q. What field of expertise do you feel you're
11 qualified to testify as an expert to?

12 MR. HENKIN: Same objection.

13 THE WITNESS: My field of expertise would be my
14 culture and the knowledge of the lands that are being
15 impacted by the Stryker Brigade transformation.

16 BY MR. YEE:

17 Q. And with regards to that claim of expertise,
18 have you ever been qualified to testify in Federal
19 Court?

20 MR. HENKIN: Asked and answered.

21 MR. YEE: I think I asked her if she's been
22 qualified as an expert to testify in Federal Court.

23 MR. HENKIN: I don't know the difference
24 between the two questions. I'm not sure how she will.

25 MR. YEE: I appreciate you limiting your

1 objections to the standard objections and not doing
2 speaking objections. Your confusion about my questions
3 doesn't translate out to your client. She can answer
4 the question or she can ask me to clarify.

5 MR. HENKIN: Mr. Yee, you responded to my
6 objection by having a colloquy with me, to which I
7 responded. If you want to just let me make my
8 objections and then turn to her and say please respond
9 if you can and we won't have colloquy on the record.
10 But if you respond to me, I get to respond to you.

11 BY MR. YEE:

12 Q. Do you understand the question, Mrs. Quitevis?

13 A. Please clarify it for me.

14 Q. Okay. Have you ever been qualified as an
15 expert to testify in Federal Court with regards to
16 Hawaiian culture in the area of Lihue?

17 A. I suppose not.

18 Q. Okay. Have you ever been --

19 A. I don't understand what the legal definition
20 for that is.

21 Q. It's actually a factual. I mean, have you ever
22 entered into Federal Court, been sworn in as a
23 witness --

24 A. You should have said that in the first place.
25 Okay. No, I have never testified in Federal Court

1 before.

2 Q. Okay. You've never testified in any capacity
3 in Federal Court before?

4 A. No.

5 Q. As a lay witness? As an expert witness?

6 MR. HENKIN: Compound. Asked and answered.

7 BY MR. YEE:

8 Q. Do you understand the question?

9 A. No and no.

10 Q. Okay.

11 A. Do my declarations count?

12 Q. Do your declarations count? Not at the point.

13 A. Okay.

14 Q. How about State court, have you ever qualified
15 to testify in State court as an expert with regards to
16 Hawaiian culture in the area of Lihue?

17 A. No. I have never testified in any court.

18 Q. Have you ever testified before an
19 administrative body at the Federal level with regards to
20 your expertise in Hawaiian culture in the area of Lihue?

21 A. A Federal body?

22 Q. Federal administrative body. An agency? A
23 board? A commission?

24 A. I believe I may have, but I'm not sure if you
25 would consider them an administrative body. I've

1 addressed the Department of Defense.

2 Q. You what?

3 A. The Department of Defense, their tribal
4 liaison. And they had a team of people come down and
5 I've, yes, I've consulted for them, with them. Would
6 that count?

7 Q. When you say consult, why don't you just
8 describe for me a little bit, was it a meeting? Was it
9 a discussion? Did they hire you to do something?

10 MR. HENKIN: Objection. Compound.

11 THE WITNESS: Which is your question?

12 BY MR. YEE:

13 Q. I'm just trying to get to in what setting, in
14 what type of discussion was that you just described to
15 me the Department of Defense spoke to you.

16 A. It was a meeting.

17 Q. It was a meeting?

18 A. Correct.

19 Q. When was this meeting?

20 A. August of 2006.

21 Q. And as far as you can remember, is that the
22 only time you've given testimony to a Federal
23 administrative agency?

24 A. I suppose so.

25 Q. Mrs. Quitevis, I have to ask you these

1 MR. HENKIN: I consider it to be invasive and
2 irrelevant.

3 MR. YEE: Well, unless you can cite me a
4 statute that says I can't ask the question, I'm asking
5 the question.

6 MR. HENKIN: I would like to know the reason.

7 BY MR. YEE:

8 Q. Do you have any children, Mrs. Quitevis?

9 MR. HENKIN: Allow limited inquiry into her
10 family.

11 THE WITNESS: Do I have to wait for you two to
12 finish?

13 MR. YEE: No.

14 THE WITNESS: No.

15 BY MR. YEE:

16 Q. And can you briefly run down your educational
17 background to me.

18 A. Let's see. Institutional -- western
19 institutional education?

20 Q. Whatever you care to tell me, Mrs. Quitevis.
21 You know, I think it's all relevant.

22 A. I have my GED in 1988.

23 Q. And that's from the State of Hawaii?

24 A. Yes.

25 Q. And any other education after that?

1 A. No, that's it.

2 Q. Have you attended any training programs? Any
3 vocational programs? Any seminars which you can tell me
4 about?

5 A. Mm-hmm. I've -- let's see, where do I start?
6 I've been a part of halau since I was five years old.

7 Q. Which halau is that?

8 A. Halau Kula. I have also been trained in that
9 na'au lafa'au from my kapuna, from my young age, and
10 then from other kahuna la'au lapa'au. I am also a haku
11 ho'oponopono trained by Auntie Malie Craver. I'm also a
12 haumana of Kumu John Keola Lake. I have many kapuna in
13 my life who have added to who I am. Kapuna role models,
14 Hawaiian practitioners, and I'm very much a student of
15 the land, of the aina.

16 Q. Is that everything?

17 A. Let's see. I've been a student all my life, so
18 to name everyone who taught me, every workshop I've been
19 to is kind of hard, so that's all that comes to mind
20 now.

21 Q. Not to tax you on this, but is it more than 10?
22 Is it less than 50?

23 A. People or workshops?

24 Q. Workshops, seminars, trainings.

25 A. Let's see. I was chosen as one of 12 people

1 who were chosen from the Pacific to be part of -- the
2 acronym for this group is APAWLI, A-P-A-W-L-I, and it
3 means Asian Pacific American Women's Leadership
4 Institute, and as a fellowship as part of that program.
5 It's an ongoing workshop.

6 Q. When were you chosen for that?

7 A. In 2000 -- possibly 2002. Or 2000, I really
8 can't be sure. I've been a part of many mentorships,
9 many programs. I'm really not sure how to answer this
10 fully so you can understand.

11 Q. I actually know that organization.

12 A. Yeah. Morvena Kashkael was running that.
13 She's from -- yeah. So I was a part of that. So you
14 can maybe ask her. Or I'm pretty sure it was 2002, but
15 I'm not sure.

16 Q. And you said it's an ongoing?

17 A. It was for that time.

18 Q. And can you describe for me what your work
19 history is?

20 A. Yes. I -- let's see. I've been the aholoa
21 on-site coordinator for Halau Lokahi, which is a Native
22 Hawaiian charter school. I've also been --

23 Q. I don't mean to interrupt, but it would help to
24 get dates.

25 A. I knew you were going to say that.

1 Q. I'm sorry.

2 A. No problem. 2000. Prior to that I was the --
3 let me see. Okay. Yeah. So in 2000, the Halau Lokahi
4 on-site coordinator. After that I became the -- one of
5 the coordinators for Na Lei Na'auao Native Hawaiian
6 Charter School. I was also the coordinator for the
7 Villalua Native Educators Initiative Program, Villanua
8 Native. It has a really long name. Native Hawaiian
9 something professional development program.

10 Q. And this was after 2000?

11 A. Yes. And at that point and all throughout that
12 time, I traveled throughout all the different islands
13 and helped to coordinate programs just to spear point.
14 So I was able to work with a lot of cultural practical
15 teachers and kapuna to help build the programs within
16 the different communities.

17 And from there, I believe it's after that that
18 I became involved with this initiative.

19 Q. Okay. And that's your entire work history
20 since you received your GED?

21 A. Oh, no. You want me to go that far back?

22 Q. Yeah.

23 A. Okay. I received my GED in '88. In '89, I
24 traveled to Egypt, Morocco, Tanzania, around the world
25 dancing hula.

1 Q. With your halau?

2 A. No.

3 Q. With who?

4 A. That was with Gypsy Norton at that point.

5 Q. Was that an organization?

6 A. No, she's an agent.

7 Q. And you did that professionally? You danced
8 hula professionally?

9 A. Yes.

10 Q. And was it with a production, show or...

11 A. Yeah.

12 Q. And what was the name of the production?

13 A. Something like -- I think it was the Aloha
14 Show, I believe. But I had done that for 10 years, for
15 a long time, traveled around, and during that time I
16 would also hold workshops in various areas and bring
17 awareness of the Hawaiian culture and some of the
18 important aspects of our culture. I danced for, yeah, I
19 would say that was until 19 -- and with different
20 groups, 1995. At that point, I was at -- I danced at
21 Disneyworld in Florida.

22 Q. Were you employed by Disney?

23 A. Disney, yes. And then also Tokyo Disneyland,
24 and that was in '95. Okay. We're at '95 now. And then
25 at that point got married.

1 Q. What year was that?

2 A. 1995. And from there, we moved to San Diego
3 and were there for two years, at which point I got
4 offered opportunities to dance there, but it's kind of
5 mickey mouse, funny to say after you worked at Disney,
6 but the shows are very high caliber and most of -- it's
7 very important to me that our culture is put forward the
8 right way, and so I didn't take up with any of the shows
9 in San Diego and got -- and then after that, we moved
10 home.

11 Oh, I don't think this is relevant, but I tried
12 it because I was trying to get ma'a to the area I was
13 living, I didn't know it was telemarketing, but it was
14 for this place called Seluda Hispanos, selling
15 advertising. I did kinda good, but I -- but no. So we
16 moved home.

17 Q. That was before you left San Diego?

18 A. Yeah. That was before. Tried it for a few
19 months. And then came home. Oh, I took some classes
20 while I was up there.

21 Q. In San Diego?

22 A. Yeah. Some -- back to the other question, I
23 forgot, some creative writing classes and I coordinated
24 some of the workshops up there for creative writing.

25 Q. Was that adult education? Community college?

1 College?

2 A. This one, I don't think I could even -- it
3 was -- they had high caliber writers, creative writers
4 from all over who was doing the classes, but it wasn't
5 necessarily a college, it was just a place you could
6 take workshops on creative writing, where different
7 indigenous people, different Native Americans would come
8 in, people from South American and Hawaii, some
9 Polynesians.

10 Q. This was in San Diego?

11 A. Yeah.

12 Q. Was there a name for this organization?

13 A. Creative Workshop. I don't know. It's
14 something like that. And I also took some computer
15 classes while I was up there. That was adult education
16 class. Then we came home. When I came home, I was in
17 the entertainment industry for awhile. I promoted
18 concerts.

19 Q. Did you work for somebody doing that?

20 A. Yes.

21 Q. Who was that?

22 A. Crucial Running Entertainment. Crucial Running
23 Entertainment. A lot of the big reggae concerts now.
24 And prior to that I also --

25 Q. What type of concerts?

1 A. Reggea.

2 Q. Oh.

3 A. And I also worked with My TV Jams, which is
4 working with youth and what's going on in the community,
5 creating partnerships with the schools and programs.
6 And during that time I was also doing -- that's when I
7 did a lot of training and --

8 Q. You provided training or you received training?

9 A. Both, provided and received. Started a
10 program, an incentive program for children from the
11 pilot charter schools who did good. They would come and
12 do service learning and help do different things. As an
13 incentive if they did good in school, they could come
14 and work and do things like that.

15 Q. What type of work?

16 A. Would the children do?

17 Q. Yeah.

18 A. Let's see. Some of the things we did so we
19 could work it into their curriculum was if there were --
20 you know, as part of also their creative writing
21 component. So what they would have to do is if they
22 wanted to come to work at the show, first they would
23 have to earn it and they'd have to write. They'd have
24 to do research on the artist who was coming down and
25 why -- choose one of their songs and explain what that

1 meant to them and explore the song completely. And if
2 they did that and had good attendance, then I would
3 create an opportunity for them to come and they would
4 help to host the people who would come on the concert
5 day. We would kahea them in with the proper oli from
6 whatever aina the concert was being held, and they would
7 help to set up the hospitality room and clean up at the
8 end. And then write a paper on what was their
9 experience, you know.

10 Q. So was music and writing?

11 A. Yeah, music and writing.

12 Q. And how long did that position last?

13 A. For awhile, I believe until 2000 -- it may have
14 went a little -- I was doing a lot at one point between
15 2000 and 2001. Oh, and I was also a Hawaiian studies
16 kumu in Mililani Elementary School. And from there, the
17 Hawaiian charter schools just stole my heart, so I went
18 from that into the charter school movement.

19 Q. And when you previously described it, you
20 started out as a site coordinator, correct?

21 A. Correct. I forget this. Before I went to
22 Halau Lokahi, I was with Kalamaku, which was a pilot
23 program in Hau'ula. So I left all my paying jobs to go
24 to the nonpaying job because I felt I could effect
25 change and really make a lot of difference in the lives

1 of the children.

2 Q. And the position you took there was what?

3 A. Administrative assistant.

4 Q. And who was the kumu hula?

5 A. Makaio -- I believe his first name is Kenneth
6 Makaio Hee. Same last name as you.

7 Q. And as site coordinator when you first started
8 out with the charter schools, I don't want you to go
9 through the whole thing again, but is it safe to say you
10 took some of those skills you had in doing trainings and
11 you transferred those skills over to that position?

12 MR. HENKIN: Objection. Vague.

13 THE WITNESS: Yeah, can you clarify like
14 trainings.

15 BY MR. YEE:

16 Q. Did you do trainings? Because what it sounded
17 to me like was you were doing -- helping people set up
18 different programs, so you were doing training to help
19 them set up programs.

20 MR. HENKIN: Objection. Vague.

21 BY MR. YEE:

22 Q. Well, then tell me what you did as site
23 coordinator.

24 A. Yeah. Maybe that's the thing. An aholoa
25 on-site coordinator, aholoa means the long line, and so

1 what I was is the coordinator of the gifted and talented
2 program. So as part of my kuleana, it was our belief
3 that all children are gifted and talented and for being
4 the aholoa on-site coordinator, it was my kuleana to
5 find out what that gift and talents were. So what I set
6 up in that position was a community resource component
7 where different people from the community, as well as
8 organizations, Polynesian Voyaging Society, Bishop
9 Museum, and cultural resource people as well as
10 people -- it's hard. It's just a program to help kids
11 have different experiences so that they can find out
12 what their gift and talent is.

13 Q. So was it safe to say that you were the
14 teacher?

15 A. No, it would not be.

16 Q. Okay.

17 A. I was the coordinator.

18 Q. On a regular basis you're the one who
19 interacted with the children, though?

20 A. Oh, very much so. And I did teach the oli when
21 the kumu wasn't there. The chanting.

22 Q. And hula?

23 A. No.

24 Q. You're not a kumu hula?

25 A. No.

1 Q. Can you describe for me what your family ties
2 are to the Lihue area. Is your maiden name Quitevis?

3 A. No. That's my married name.

4 Q. What's your maiden name?

5 A. Ehia.

6 Q. Can you describe for me what your -- the Ehia
7 family's ties are to the Lihue area?

8 A. It would be my Kalioku side, from my mother.
9 It's a direct link to Lihue kokonilako.

10 Q. And can you describe for me how many
11 generations have lived in the area?

12 A. That's very difficult. Go back to the time...
13 I would say back before the 1500s, maybe even before
14 that. It's difficult to say.

15 Q. In that area your family has ties?

16 A. To many areas, but yes, to that -- specifically
17 to that area.

18 Q. And in your experience, how many times have you
19 requested access to Schofield Barracks to exercise your
20 cultural heritage?

21 A. That's a good question. I just have to count.

22 Q. And let me make it more specific, before you
23 were hired as a cultural monitor.

24 A. Oh, that makes it easier. Prior to then, none.
25 We didn't know who to call.

1 fulfill anything, we have to identify, and I think it's
2 just a play on words. And we had this mix up in the
3 beginning with the Army because they thought something
4 was a survey. We were throughout all of our -- yeah.
5 Survey was one of those words that I guess we gotta
6 agree on a definition or know what that is.

7 Q. Well, it's not a play on words. Do you know
8 what survey is?

9 A. Do you? I thought I knew. I believe a survey
10 to be an inspection or identification of the site. To
11 go out and inspect an area to identify. There may be
12 all different kinds of surveys.

13 Q. Are you a trained archaeologist?

14 A. No.

15 Q. Under 106, does an archaeologist have more
16 responsibility than somebody who's hired as a cultural
17 monitor, as an advisor?

18 MR. HENKIN: Objection to the extent it --

19 MR. YEE: She's claimed her knowledge.

20 MR. HENKIN: Let me state my objection.

21 MR. YEE: Can you lower your voice, please.

22 There's no need to yell. I'm sitting across the table
23 from you. Let the record reflect Mr. Henkin is losing
24 control, raising his voice for no reason whatsoever.

25 MR. HENKIN: The record can reflect that

1 Mr. Henkin has been in deposition and site visits and
2 working nonstop, so my apologies for raising my voice.
3 I would like to state my objection.

4 Objection to the extent it calls for a legal
5 conclusion. Also, you haven't provided the witness with
6 a copy of Section 106 when she has requested it.

7 MR. YEE: And I will provide her a copy of 106,
8 but she's claimed certain knowledge as to 106.

9 BY MR. YEE:

10 Q. So my question is: Do you have an
11 understanding whether or not a trained archaeologist has
12 more responsibility under Section 106 than somebody
13 who's hired as an advisor under the term cultural
14 monitor?

15 MR. HENKIN: Same objection.

16 THE WITNESS: Before I answer that question, I
17 would like to take a look at Section 106.

18 BY MR. YEE:

19 Q. Okay. Do you know if anywhere in Section 106
20 the term cultural monitor is used?

21 MR. HENKIN: Same objection.

22 THE WITNESS: I would need to look at Section
23 106.

24 BY MR. YEE:

25 Q. Are you a trained archaeologist?

1 MR. HENKIN: Asked and answered.

2 THE WITNESS: I've already answered, no, I'm
3 not.

4 BY MR. YEE:

5 Q. Do you have any training in archaeology at all?

6 A. No. I'm not hired as an archaeologist.

7 Q. Okay. And in terms of identification of
8 cultural sites, what's your training?

9 A. My training is the land and exploring the land
10 and drawing on ho'okahi, different kapuna, different
11 people, my husband. The land has a lot to show us.

12 Q. And on those various trips, did you go to sites
13 that were already identified?

14 MR. HENKIN: Objection. Compound.

15 THE WITNESS: I've been to area where there
16 were sites that were not previously identified and
17 identified.

18 BY MR. YEE:

19 Q. And as part of that trip where there were sites
20 that weren't identified, were you the one who identified
21 them as cultural sites?

22 MR. HENKIN: Objection. Compound and vague.

23 MR. YEE: I'm being as specific as the witness
24 is being.

25 THE WITNESS: When we go mauka or when we go on

1 ho'okahi, we don't look for what you call sites. That's
2 the terminology we use when we doing this work. We look
3 for our wahi kapuna. We feel the aina and, yes, many of
4 times.

5 BY MR. YEE:

6 Q. You're the one who identified the cultural
7 site?

8 A. Our wahi kapuna, yes.

9 Q. And how did you do that?

10 A. Can you clarify, what do you mean?

11 Q. Well, you're the one saying I can identify
12 cultural sites. I want to know how you're able to do
13 that.

14 A. You just look. And if it's there, it's there.
15 And if it's not there, that's all you need to do is open
16 your eyes and look.

17 Q. What's the difference between a cultural site
18 and a natural occurring phenomenon, say a group of
19 stones is shaken up in the last earthquake and it forms
20 a certain pattern, how can you distinguish between that
21 and a cultural site?

22 MR. HENKIN: Objection. Lack of foundation.
23 Assumes facts not in evidence.

24 THE WITNESS: First I would say, what makes you
25 think something that occurred naturally isn't a cultural

1 site? There may be a pohaku that's water warn and to an
2 archaeologist it doesn't mean a thing and to a kanaka
3 maoli it can have a completely different meaning and I
4 cannot give you any across-the-board answers because
5 each place is unique unto itself. And if you're trying
6 to compare an archaeologist and what experience they
7 have to my experience on the aina, all I could say to
8 that is methodology alone is not enough to say from an
9 archaeological point of the view that this may or may
10 not be a site, if they have no understanding of the aina
11 or what is important to us.

12 BY MR. YEE:

13 Q. Well, again, going back to the purpose of the
14 Programmatic Agreement, are naturally occurring
15 structures and phenomenon, can they be qualified as
16 historic sites for the national registry?

17 MR. HENKIN: Objection to the extent it calls
18 for a legal conclusion.

19 THE WITNESS: Again, I have to tell you, or
20 maybe the first time I'll tell you, I cannot answer that
21 question because each site is individual unto itself. I
22 cannot make a blanket statement and X everything out one
23 way or the other. I cannot say no or yes on that.

24 BY MR. YEE:

25 Q. Well, let's go back to the area in QTR1 that

1 A. Excuse me?

2 Q. There's no specific reference to any area in
3 this paragraph, is there, QTR1 or BAX?

4 A. No reference to any area?

5 Q. Well, you can tell me if you're referring to
6 QTR1 or BAX.

7 MR. HENKIN: Then why didn't you ask her that?

8 THE WITNESS: Can you repeat the question,
9 please.

10 BY MR. YEE:

11 Q. Are you referring to BAX in this section of
12 your declaration?

13 A. Yes.

14 Q. Okay. On to paragraph 15. This, again,
15 relates to the sites that are found in -- that you claim
16 were found in 14, correct, in paragraph 14, what you
17 called newly discovered sites?

18 A. Correct.

19 Q. If you go to page 12, paragraph 18.

20 A. Okay. Would you like me to --

21 Q. Just read it to yourself.

22 A. I think with this there's a lot of information
23 in that paragraph.

24 Q. It goes all the way to page 17.

25 A. Okay. So even as I review it now as you're

1 asking questions, I'm going to have to refresh and refer
2 back to it. Okay.

3 Q. Okay. The first violation that you allege of
4 the Programmatic Agreement --

5 A. Are you still on...

6 Q. On page 13.

7 A. Correct.

8 Q. And that refers to the BAX, correct?

9 A. Correct.

10 Q. And then the next violation you allege of the
11 Programmatic Agreement is in the middle of page 13,
12 correct?

13 A. The second bullet?

14 Q. Right. Is that also in the BAX?

15 A. Correct. Yes.

16 Q. And if you turn to page 14, the next bullet
17 which begins June 2006 --

18 A. Yes.

19 Q. -- is that also in the BAX?

20 A. Correct. Yes.

21 Q. The skeletal remains that you mention in this
22 section --

23 A. Yes.

24 Q. -- were they ever identified as human remains?

25 A. No, they were not. We've never received a

1 report.

2 Q. Have you ever heard from anybody that they were
3 not human remains?

4 A. Yes.

5 Q. And who told you that?

6 A. I believe it was Kamoā.

7 Q. Your husband?

8 A. Correct.

9 Q. And did they tell you what kind of remains they
10 were?

11 A. Someone had come out and done a site visit.
12 And after that visit, we requested a report of the
13 outcome of everything so we know where it stood, and we
14 haven't received one until today.

15 Q. Okay. But your husband told you that they
16 weren't human remains, right?

17 A. Yeah.

18 MR. HENKIN: Objection. Misstates testimony.

19 BY MR. YEE:

20 Q. Did your husband tell you what kind of remains
21 they were?

22 A. What he said was that the person who came out
23 gave an opinion that it's probably not human remains.

24 Q. Did they say anything beyond that?

25 A. That they were -- he used a specific word.

1 Another word for animal bones that I'm not familiar
2 with.

3 Q. Did your husband ever tell you that they were
4 possibly cow bones?

5 A. I think Laurie Lucking had stated something to
6 that later, far later on. I'm not sure when, but yeah.
7 Yeah. But the very first initial, they came out with a
8 scientific word I didn't understand.

9 Q. Okay. So you've had conversation with
10 Dr. Lucking also about these so-called skeletal remains,
11 right?

12 A. With these, Kamoia took care of most of the
13 communications for that.

14 Q. But you've also talked to Dr. Lucking about
15 that?

16 A. I'm kind of iffy right now if I spoke to her or
17 he talked to her. I talked to her on a lot of different
18 things, but regarding iwi, that is not my kuleana at
19 this time in my life.

20 Q. I understand. I'm just trying to find out if
21 you actually had a conversation or you found out about
22 the conversation where Dr. Lucking said these were cow
23 bones?

24 MR. HENKIN: Objection. Compound.

25 THE WITNESS: I know of definitely, yes. I

1 can't right now tell you exactly how and why, but yes, I
2 did hear cow.

3 BY MR. YEE:

4 Q. Okay. And you know that to have been
5 Dr. Lucking's conversation with somebody?

6 A. Yes. Sorry, it's so vague, but yes.

7 Q. No. No. It's okay. Do you have any reason to
8 disagree with Dr. Lucking?

9 MR. HENKIN: Objection. Foundation.

10 THE WITNESS: On this particular incident, no.

11 BY MR. YEE:

12 Q. Because I think you just said you don't feel
13 that you have expertise in iwi at this point.

14 A. No, I did not say it's not my area of
15 expertise. I said it is not my kuleana at this point in
16 my life. And there's cultural purposes, my own beliefs
17 with that. But when it comes to iwi, that is not my
18 kuleana at this point in life.

19 Q. So you wouldn't be able to identify human
20 remains versus cow remains?

21 MR. HENKIN: Objection. Misstates testimony.

22 MR. YEE: It's just a question.

23 THE WITNESS: No, I would not.

24 BY MR. YEE:

25 Q. Do you know if there was --

1 A. Actually, can I clarify?

2 Q. Sure.

3 A. There's certain things that I think any of us
4 if we seen we would know if it's a cow or human, but
5 there's other little bones that you would need -- that I
6 would not know. So if it was the head or, you know,
7 obvious parts, then yes, but other than that, no.

8 Q. Are you aware of any Hawaiian cultural
9 practices that include the remains of a cow?

10 A. No, I am not. Not to my knowledge.

11 Q. Thank you. And so the next bullet on page 14,
12 you're talking about the opportunities you had to go
13 into various areas with the UXO teams, correct?

14 A. What I'm talking about, and I'm so glad we're
15 there, what I'm talking about in this is our opportunity
16 to monitor excavations.

17 Q. And so when you say "lasting mere minutes," do
18 you remember when the first opportunity was, the date of
19 that?

20 A. This is in July. I believe it was on
21 July 27th, Monday.

22 Q. Of this year?

23 A. 2006.

24 Q. And was it you and your husband, those are the
25 cultural monitors you're talking about?

C E R T I F I C A T E

STATE OF HAWAII)
CITY AND COUNTY OF HONOLULU)

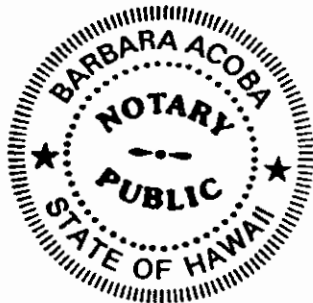
I, BARBARA ACOBA, Certified Shorthand
Reporter and Notary Public, State of Hawaii, do
hereby certify:

That on Wednesday, December 6, 2006, 2006, at
10:39 a.m., appeared before me ANGELA EHIA-QUITEVIS, the
witness whose deposition is contained herein; that
prior to being examined he was by me duly sworn;

That the deposition was taken down by me
in machine shorthand and was thereafter reduced to
typewriting under my supervision; that the foregoing
represents, to the best of my ability, a true and
correct transcript of the proceedings had in the
foregoing matter.

I further certify that I am not an attorney
for any of the parties hereto, nor in any way concerned
with the cause.

Dated this 7th day of December, 2006,
in Honolulu, Hawaii.



[Handwritten Signature]

BARBARA ACOBA, CSR NO. 412
Notary Public, State of Hawaii
My Commission Exp: 10-22-2008